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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,778	10/10/2000	Tom Van Horn	MCTA-003/02US	5167
758	7590	02/01/2006	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/686,778	<b>Applicant(s)</b> VAN HORN ET AL.	
	<b>Examiner</b> Matthew S. Gart	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 and 28-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15-27 and 32-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/25/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/25/2005 has been entered.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 11/25/2005 was considered by the Examiner.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-10, 15-27 and 32-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Goddard U.S. Patent No. 6,876,983.**

Referring to claim 1. Goddard discloses a system for aggregating demand in group-buying sales conducted across an electronic network, comprising:

- A computerized facility (Goddard: Database Server System 12) to conduct group-buying sales operably coupled to the electronic network, the computerized facility including specification software executable on the computerized facility and configured to:
  - Receive item data from a seller that defines a featured item for a first group-buying sale, wherein the seller transmits the data over the electronic network to the computerized facility (Goddard: column 3, lines 55-57);
  - Receive sale data from the seller that provides the seller's direction for the first group-buying sale, wherein the seller transmits the data over the

electronic network to the computerized facility (Goddard: column 3, lines 58-63); and

- Store the received item data and the received sale data in a data repository, wherein the computerized facility uses the received sale data in conducting the first group-buying sale of the featured item defined by the received item data (Goddard: column 4, lines 17-30).

Referring to claim 2. Goddard further discloses a system wherein the sale data provides directions for at least a second group-buying sale for the featured item, the computerized facility further comprising seller communication software executable on the computerized facility configured to send the seller status data about the first group-buying sale, wherein the specification software is further configured to receive update sale data from the seller that provides updated directions for the second group-buying sale (Goddard: column 8, lines 25-37).

Referring to claim 3. Goddard further discloses a system wherein the specification software is configured to:

- Receive seller data from the seller that identifies the seller and provides contact information for the seller (Goddard: column 8, lines 25-37); and
- Store the received seller data in the data repository, wherein the computerized facility provides the seller with status information about the first group-buying sale while the first group-buying sale is in progress (Goddard: column 8, lines 25-37).

Referring to claim 4. Goddard further discloses a system wherein the received item data includes a featured item abstract and wherein the computerized facility further

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comprises seller/partner filter software executable on the computerized facility and configured to:

- Receive partner abstract terms and partner display criteria from a partner site (Goddard: column 5, lines 9-21, "specification");
- Retrieve the featured item abstract from the data repository and compare the featured item abstract with the partner abstract terms received from the partner site, wherein the seller/partner filter compares the featured item abstract with the partner abstract terms according to the partner display criteria (Goddard: column 5, lines 51-60); and
- Send data about the featured item to the partner site if the seller/partner filter software identifies a match between the featured item abstract and the partner abstract terms according to the partner display criteria (Goddard: column 5, lines 51-60).

Referring to claim 5. Goddard further discloses a system wherein the specification software is configured to receive as item data from the seller a featured item, name, a featured item description, and an image of the featured item (Goddard: column 10, lines 38-47).

Referring to claim 6. Goddard further discloses a system wherein the specification software is configured to:

- Receive as item data from the seller a product/service category for the featured item (Goddard: column 10, lines 38-47); and

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- Store received the product/service category for the featured in the data repository, wherein the computerized facility arranges displays of featured items for prospective buyers according to each featured item's product/service category (Goddard: column 10, lines 38-47).

Referring to claim 7. Goddard further discloses a system wherein the computerized facility arranges received featured items and product/service categories in a format organized according to a tree data structure (Goddard: column 10, lines 38-47).

Referring to claim 8. Goddard further discloses a system wherein the sale data received from the seller by the specification software contains as elements a start date and an end date for the first group-buying sale of the featured item, an initial price for the featured item in the first group-buying sale, and a quantity of the featured item available for sale (Goddard: column 11, lines 25-34).

Referring to claim 9. Goddard further discloses a system wherein the specification software is configured to:

- Receive seller data from the seller that identifies the seller and provides contact information for the seller (Goddard: column 10, line 59 to column 11, line 7); and
- Store the received seller data in the data repository, wherein the computerized facility uses the seller data to communicate buyer information to the seller at the conclusion of the first group-buying sale for the featured item (Goddard: column 10, line 59 to column 11, line 7).

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Referring to claim 10. Goddard further discloses a system wherein the specification software is configured to:

- Receive seller data from the seller that identifies the seller and provides contract information for the seller (Goddard: column 10, line 59 to column 11, line 7);
- Create a seller account for the seller on the computerized facility; and
- Store data describing the seller account in the data repository (Goddard: column 10, line 59 to column 11, line 7).

Referring to claims 15-27. Claims 15-27 are rejected under the same rationale as set forth above in claims 1-10.

Referring to claims 32-38. Claims 32-38 are rejected under the same rationale as set forth above in claims 1-10.



***Response to Arguments***

Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shkedy, U.S. Patent No. 6,260,024, July 10, 2001, discloses a method and apparatus for facilitating buyer-driven purchase orders on a commercial network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'MSG', with a stylized, flowing script.

MSG  
Patent Examiner  
January 24, 2006